IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

NOTICE OF MOTION NO.144 OF 2005
IN
SUIT NO.75 OF 1994
IN
PETITION NO.225 OF 1994

Valibai J. Paleja ...Deceased

Shanta Jamnadas Paleja ..Petitioner/plaintiff
V/s.
Mathuradas Jamnadas Paleja ..Caveator/Defendant

Mr.R.C. Nichoni i/b Ms.N.Z. Khapra for plaintiff.
M.S. Bhandari i/b Suman Jain for defendant.

CORAM : D.K. DESHMUKH, J.

DATED : 29/06/2006

P.C.:-

. This notice of motion is taken out by defendant seeking direction to the plaintiff. Even assuming that provisions of C.P.C. apply to the testamentary suit under O.39, defendant can not make an application seeking a temporary injunction of such a nature . Under such circumstances, power U/s.151 can also not be used as it would amount to negate the mandate of O.39.

. Notice of motion is disposed of.

(D.K. DESHMUKH, J.)